

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANJAY BHATNAGAR,
Plaintiff,
v.
THE PRESIDIO TRUST,
Defendant.

Case No. [14-cv-00327-MEJ](#)

ORDER DISCHARGING SECOND OSC

Plaintiff Sanjay Bhatnagar filed this action on January 22, 2014, alleging a personal injury claim under 28 U.S.C. § 2671, the Federal Tort Claims Act, against the Presidio Trust, a government agency. Compl., Dkt. No. 1. He also filed an application to proceed in forma pauperis. Dkt. No. 3. On February 11, 2014, the Court granted Plaintiff's in forma pauperis application, but dismissed the Complaint with leave to amend, finding: (1) it was not clear from the Complaint whether he filed within the applicable statute of limitations period; (2) there was no indication that he exhausted his administrative remedies; and (3) the Complaint failed to state a claim upon which relief can be granted because Plaintiff alleged only that Defendant failed to either maintain safe premises or to warn of hazards on the property, which cannot support liability under the Act. *Order* at 4-5, Dkt. No. 8. The Court directed Plaintiff to file any amended complaint by March 12, 2014, and directed the Clerk of Court to close the file in this case if an amended complaint was not filed by that deadline. *Id.* at 7.

Subsequently, on March 19, 2014, the Court granted Plaintiff's Motion to Stay the filing deadline for a period during which he would be out of the country attending to family matters. Dkt. Nos. 11, 12. As the stay ended on June 1 and no amended complaint had been filed, the Court ordered Plaintiff to file a status report by June 19, 2014. Dkt. No. 13. Plaintiff failed to

1 respond, and the Court ordered him to show cause why this case should not be dismissed for
2 failure to prosecute and failure to comply with court deadlines. Dkt. No. 14. Plaintiff filed a
3 responsive declaration on June 30, 2014, stating that he had to leave the country again and
4 requesting additional time to file an amended complaint. Dkt. No. 16. The Court discharged the
5 Order to Show Cause and ordered Plaintiff to file his amended complaint by August 29, 2014.
6 Dkt. No. 15.

7 As Plaintiff again failed to respond, the Court issued a Second Order to Show Cause. Dkt.
8 No. 17. Plaintiff has filed a response in which he requests an extension until the middle of
9 November to file his amended complaint. Dkt. No. 18. Good cause appearing, the Court
10 DISCHARGES the Second Order to Show Cause. Plaintiff shall file his amended complaint by
11 November 21, 2014. Given that this case will have been pending for nearly one year and
12 Defendant has yet to be served, Plaintiff should be mindful that the Court is unlikely to grant any
13 further extensions past the November 21 deadline.

14 **IT IS SO ORDERED.**

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16 Dated: September 17, 2014

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19 MARIA-ELENA JAMES
20 United States Magistrate Judge
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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/17/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sanjay Bhatnagar
1599 Green Street #107
San Francisco, CA 94123

Dated: 9/17/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Chris Nathan, Deputy Clerk to the
Honorable MARIA-ELENA JAMES

United States District Court
Northern District of California